

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DYNAMIC SPORTS NUTRITION,
LLC

Plaintiff,

v.

VITAL PHARMACEUTICALS, INC.
d/b/a VPX,

Defendant.

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CIVIL ACTION NO. 4:14-CV-02624

STIPULATION OF DISMISSAL UNDER FED. R. CIV. P. 41(a)(1)(A)(ii)
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TO THE HONORABLE U.S. DISTRICT JUDGE HUGHES:

Plaintiff **Dynamic Sports Nutrition, LLC** (“DSN”) has chosen to assert its claims against Defendant **Vital Pharmaceuticals, Inc.** (“VPX”) as counterclaims to an earlier-filed lawsuit that VPX filed against DSN on September 3, 2014, in the United States District Court for the Southern District of Florida, Case No. 14-cv-62011.

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, both DSN and VPX hereby stipulate to the dismissal, without prejudice, of the claims asserted by DSN against VPX in the above-captioned civil action, so that those claims can be adjudicated as counterclaims to the claims brought by VPX against DSN in the United States District Court for the Southern District of Florida, Case No. 14-cv-62011. FED. R. Civ. P. 41(a)(1)(A)(ii).

DATE: November 20, 2014

Respectfully submitted,

HICKS THOMAS LLP

A REGISTERED LIMITED LIABILITY PARTNERSHIP

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**ATTORNEYS FOR DEFENDANT
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